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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,537	01/11/2002	Rob Britton	11338.3/NKN	9157
7590 01/08/2007 NEIL K. NYDEGGER NYDEGGER & ASSOCIATES 348 Olive Street San Diego, CA 92103			EXAMINER NORMAN, SAMICA L	
			ART UNIT 3692	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			01/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/044,537	BRITTON ET AL.	
	Examiner	Art Unit	
	Samica L. Norman	3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20020307</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claims 1-18 have been examined.

Specification

1. The disclosure is objected to because of the following informalities: Page 6, line 3 refers to "a seller 44" that should refer to "a seller 44 (second party)" to be consistent with page 5, line 24 reference to "the buyer (first party)." Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Ryoo, U.S.

Patent No. 6,793,135 (reference A on the attached PTO-892).

4. As per claim 1, Ryoo teaches a system for using a transaction agency to selectively account for alternative telecommunication/internet communications between a buyer (first party) and a seller (second party), wherein the communication has a monetary value and the system comprises: a first transceiver means for use by the buyer to affect the communication (see column 3, lines 15-17); a second transceiver means for use by the seller to affect the

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communication (see column 3, lines 51-54); an electronic means for interconnecting said first transceiver with said second transceiver and for selectively switching between a first mode wherein the communication is conducted on a telecommunications network, and a second mode wherein said communication is conducted in e-commerce on the internet (see column 5, lines 64-66); a computer means connected with said electronic means for routing predetermined information describing the communication to the transaction agency (see column 6, lines 6-11 and 22-25); and a means for debiting the monetary value of the communication from an account of the buyer at the transaction agency (see column 5, lines 34-39 and column 6, lines 25-28).

5. As per claim 2, Ryoo teaches the system of claim 1 as described above. Ryoo further teaches a means for crediting at least a portion of the monetary value of the communication to an account of the seller at the transaction agency (see column 3, lines 60-65).

6. As per claim 3, Ryoo teaches the system of claim 1 as described above. Ryoo further teaches wherein said first transceiver is a telephone and said electronic means is switched to said first mode (see column 5, lines 48-49).

7. As per claim 4, Ryoo teaches the system of claim 1 as described above. Ryoo further teaches wherein said first transceiver is a computer terminal and electronic means is switched to said second mode (see column 3, lines 15-17).

8. As per claim 5, Ryoo teaches the system of claim 1 as described above. Ryoo further teaches wherein said predetermined information includes the monetary value of the communication, an identification for the account of the buyer at the transaction agency, and an indication of the selected communication mode being used (see column 6, lines 16-20 and 22-25).

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9. As per claim 6, Ryoo teaches a commercial communications system which comprises: a switching means for selectively connecting a first transceiver in communication with a second transceiver, wherein said first transceiver has an identifying characteristic and the communication has a monetary value (see column 5, lines 64-66 and column 6, lines 6-11 and 22-25); a routing means, interactive with said switching means and responsive to said identifying characteristic of said first transceiver, and to change between a first communications link wherein said communication is conducted on a telecommunications network and a second communications link wherein said communication is conducted on an internet-type network (see column 3, lines 7-10); and an evaluating means connected to said switching means for using predetermined information describing the communication to account for the monetary value of the communication (see column 6, lines 16-20 and 22-25).

10. As per claim 7, Ryoo teaches the system of claim 6 as described above. Ryoo further teaches wherein the communication is conducted on said first communications link between a first party and a second party, wherein said first communications link is controlled by a third party, and further wherein said evaluating means accounts to said first party and to said third party for the monetary value of the communication (see column 6, lines 22-28).

11. As per claim 8, Ryoo teaches the system of claim 6 as described above. Ryoo further teaches wherein said first transceiver is a computer operated by a buyer and said second transceiver is a website operated by a seller, and said communication is conducted on said second communications link (see column 3, lines 15-17).

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12. As per claim 9, Ryoo teaches the system of claim 8 as described above. Ryoo further teaches wherein said evaluating means accounts to said buyer and to said seller for monetary value of the communication (see column 3, lines 60-65).

13. As per claim 10, Ryoo teaches the system of claim 9 as described above. Ryoo further teaches wherein said evaluating means is a transaction agency and said transaction agency debits the monetary value of the communication from an account of the buyer at the transaction agency and credits at least a portion of the monetary value of the communication to an account of the seller at the transaction agency (see column 5, lines 34-39 and column 6, lines 25-28 and column 3, lines 60-65).

14. As per claim 11, Ryoo teaches the system of claim 6 as described above. Ryoo further teaches wherein said identifying characteristic indicates said first transceiver is a telephone (see column 5, lines 48-49).

15. As per claim 12, Ryoo teaches the system of claim 6 as described above. Ryoo further teaches wherein said identifying characteristic indicates said first transceiver is a computer (see column 3, lines 15-17).

16. As per claim 13, Ryoo teaches the system of claim 6 as described above. Ryoo further teaches wherein said predetermined information includes the monetary value of the communication and an indication of the selected communication mode being used (see column 6, lines 16-20 and 22-25).

17. As per claim 14, Ryoo teaches a method for using a transaction agency to account for a communication between a buyer and a seller, wherein the communication has a monetary value and the method comprises the steps of: providing an electronic means for interconnecting a first

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transceiver with a second transceiver to affect the communication (see column 5, lines 64-66); selectively switching between a first mode wherein the communication is conducted on a telecommunications network, and a second mode wherein said communication is conducted in e-commerce on the internet (see column 5, lines 64-66); routing predetermined information describing the communication to the transaction agency (see column 6, lines 6-11 and 22-25); and debiting the monetary value of the communication from an account of the buyer at the transaction agency (see column 5, lines 34-39 and column 6, lines 25-28).

18. As per claim 15, Ryoo teaches the method of claim 14 as described above. Ryoo further teaches the step of crediting at least a portion of the monetary value of the communication to an account of the seller at the transaction agency (see column 3, lines 60-65).

19. As per claim 16, Ryoo teaches the method of claim 14 as described above. Ryoo further teaches wherein the communication is conducted in said first mode between a first party and a second party, wherein said first mode is controlled by a third party, and further wherein said debiting step accounts to said first party and to said third party for the monetary value of the communication (see column 6, lines 22-28).

20. As per claim 17, Ryoo teaches the method of claim 14 as described above. Ryoo further teaches wherein said first transceiver is a computer operated by a buyer and said second transceiver is a website operated by a seller, and said communication is conducted in said second mode (see column 3, lines 15-17).

21. As per claim 18, Ryoo teaches the method of claim 17 as described above. Ryoo further teaches wherein said debiting step accounts to said buyer and to said seller for monetary value of

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the communication (see column 5, lines 34-39 and column 6, lines 25-28 and column 3, lines 60-65).

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Risafi et al., U.S. Patent No. 6,473,500 (reference B on the attached PTO-892), teaches a system for using a prepaid card to purchase a wide range of goods and services including phone services. Jimenez, U.S. Patent No. 6,830,178 (reference C on the attached PTO-892), teaches a combination bank/calling card and method for personal telephone, merchant and bank transactions. Dorf, U.S. Patent No. 6,000,608 (reference D on the attached PTO-892), teaches a multifunction card system which provides a multifunction card capable of servicing as a prepaid phone card, a debit card, a loyalty card, and a medical information card.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samica L. Norman whose telephone number is (571) 270-1371. The examiner can normally be reached on Mon-Thur 7:30a-5p, w/ 1st Fri off & 2nd 7:30a-4p.

24. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Nolan can be reached on (571) 272-0847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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25. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

sln


MATTHEW S. GART
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600